

MAY 21 2008

Attorney Docket: 01378
U.S. Application No. 10/017,630 Examiner OUELLETTE, Art Unit 3629
Response to February 25, 2008 Office Action

REMARKS

In response to the Office Action dated February 25, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 21-53 are pending in this application. Claims 1-20 were previously canceled.

Rejection of Claims Under § 103 (a) over *Hendricks*

Claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,463,585 to *Hendricks et al.*

Hendricks, however, cannot obviate these claims. These claims recite, or incorporate, many features that are not disclosed or suggested by *Hendricks*. The independent claims, for example, recite "*receiving subscriber actions for the point in time of interest, the subscriber actions comprising buttons pushed by a subscriber at a remote control while viewing content.*" The independent claims also recite "*generating metrics describing the subscriber actions over a period of time*" and "*predicting, based on the metrics, data that will describe future subscriber actions at a future point in time.*" Support may be found at least in U.S. Application 09/496,825 to Grauch, *et al.* at column 2, lines 55-56, at column 6, lines 23-25, throughout columns 7 and 8, at column 19, lines 48-55, and at FIG. 6B, which is incorporated by reference. Independent claim 21 is reproduced below, and independent claims 27, 32, and 53 recite similar features.

21. A processor-implemented method for predicting clickstream data, comprising:

- determining a point in time of interest;
- receiving content information from a content database, the content information describing a content offering at the point in time of interest;
- receiving subscriber actions for the point in time of interest, the subscriber actions comprising buttons pushed by a subscriber at a remote control while viewing content;
- generating metrics describing the subscriber actions over a period of time; and

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predicting, based on the metrics, data that will describe future subscriber actions
at a future point in time.

Hendricks does not obviate all these features. As the Assignee has already explained, *Hendricks* gathers click stream information to predict what "feeder channel" will most satisfy a viewer. *Hendricks*, however, is entirely silent to "generating metrics describing the subscriber actions over a period of time" and "predicting, based on the metrics, data that will describe future subscriber actions at a future point in time." One of ordinary skill in the art, then, would not think that independent claims 21, 27, 32, and 53 are obvious over *Hendricks*.

Claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53, then, are not obvious. Independent claims 21, 27, 32, and 53 recite many features that are not taught or suggested by *Hendricks*. Their respective dependent claims incorporate these features and recite additional features. The Office is thus respectfully requested to remove the § 103 (a) rejection of claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53.

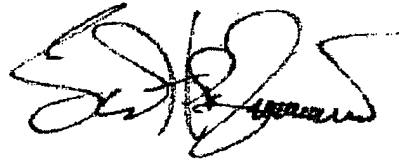
Rejection of Claims under § 103 (a) over *Hendricks* & *Ludtke*

Claims 37, 45-47, and 49 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Hendricks* in view of U.S. Patent 6,202,210 to Ludtke *et al.* These claims are all dependent upon their respective base claim and, thus, incorporate the same distinguishing features. As the Assignee explained above, *Hendricks* is silent to "generating metrics describing the subscriber actions over a period of time" and "predicting, based on the metrics, data that will describe future subscriber actions at a future point in time." The patent to Ludtke *et al.* does not cure these deficiencies. The Office alleges that *Ludtke* teaches monitoring of viewer histories from alternate sources. Whether or not the Office's assertion is true, the proposed combination of *Hendricks* and *Ludtke* still fails to teach or suggest all the features of independent claims 21 and 32. One of ordinary skill in the art, then, would not find it obvious to modify the teachings of *Hendricks* and *Ludtke* to obviate claims 37, 45-47, and 49. Because the proposed combination of *Hendricks* and *Ludtke* does not teach or suggest all the claimed features, the § 103 (a) rejection of claims 37, 45-47, and 49 must be removed.

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If any issues remain outstanding, the Office is requested to contact the undersigned at
(919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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